



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P. O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Paper No. 7

Walter A. Hackler, Ph.D.
2372 S.E. Bristol
Suite B
Newport Beach, CA 92660-0755

COPY MAILED

JUL 03 2003

OFFICE OF PETITIONS

| | | |
|----------------------------|---|-----------------------|
| In re Application of | : | |
| Christoph Hehrlein | : | |
| Application No. 10/038,468 | : | DECISION ON PETITION |
| Filed: January 3, 2002 | : | UNDER 37 CFR 1.137(b) |
| Attorney Docket No. 2869 | : | |

This is a decision on the petition filed February 19, 2003, under the unintentional provisions of 37 CFR 1.137(b), to revive the instant nonprovisional application.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is **not** final agency action within the meaning of 5 U.S.C. § 704. No additional petition fee is required.

Petitioner has submitted a Request to Rescind Previous Nonpublication Request with the instant petition. However, petitioner has not stated that the instant nonprovisional application is the subject of an application filed in a foreign and that the U. S. Patent and Trademark Office was unintentionally not notified of this filing within 45 days subsequent to the filing of the subject application in a foreign country. Additionally, if an application was filed in a foreign country, petitioner must provide the exact filing date of the foreign application before a determination on the merits of the petition can be decided.

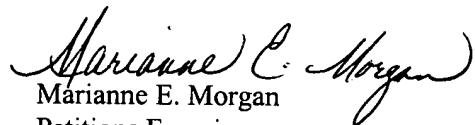
Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop PETITION
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

By hand: Crystal Plaza Four, Suite 3C23
2201 South Clark Place
Arlington, VA 22202

By Fax: (703) 308-6916
ATTN: Office of Petitions

Telephone inquiries concerning this decision should be directed to the undersigned at (703) 306-3475.



Marianne E. Morgan
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy